

**Yee &
Associates, P.C.**

4100 Alpha Road
Suite 1100
Dallas, Texas 75244

Main No. (972) 385-8777
Facsimile (972) 385-7766

**RECEIVED
CENTRAL FAX CENTER**

NOV 16 2004

Facsimile Cover Sheet

To: Commissioner for Patents for Examiner Ramsey Refai Group Art Unit 2154	Facsimile No.: 703/872-9306
From: Carrie Parker Legal Assistant to Wayne P. Bailey	No. of Pages Including Cover Sheet: 25
Message: Transmitted herewith: <ul style="list-style-type: none">• Transmittal Document; and• Response to Office Action.	
Re: Application No. 09/838,368 Attorney Docket No: AUS920010016US1	
Date: Tuesday, November 16, 2004	
Please contact us at (972) 385-8777 if you do not receive all pages indicated above or experience any difficulty in receiving this facsimile.	<i>This Facsimile is intended only for the use of the addressee and, if the addressee is a client or their agent, contains privileged and confidential information. If you are not the intended recipient of this facsimile, you have received this facsimile inadvertently and in error. Any review, dissemination, distribution, or copying is strictly prohibited. If you received this facsimile in error, please notify us by telephone and return the facsimile to us immediately.</i>

**PLEASE CONFIRM RECEIPT OF THIS TRANSMISSION BY
FAXING A CONFIRMATION TO 972-385-7766.**

*Incomplete
missing pages
7-25*

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED
CENTRAL FAX CENTER

NOV 16 2004

In re application of: **Dutta et al.**Serial No.: **09/838,368**Filed: **April 19, 2001****For: Automatic Backup of Wireless
Mobile Device Data Onto Gateway
Server While Device is Idle**§
§
§
§
§
§Group Art Unit: **2154**Examiner: **Refai, Ramsey**Attorney Docket No.: **AUS920010016US1****35525**PATENT TRADEMARK OFFICE
CUSTOMER NUMBERCertificate of Transmission Under 37 C.F.R. § 1.8(a)I hereby certify this correspondence is being transmitted via
facsimile to the Commissioner for Patents, P.O. Box 1450,
Alexandria, VA 22313-1450, facsimile number (703) 872-9306,
on November 16, 2004.

By:

Carrie Parker
Carrie ParkerTRANSMITTAL DOCUMENTCommissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

ENCLOSED HERewith:

- Response to Office Action.

No fees are believed to be required. If, however, any fees are required, I authorize the Commissioner to charge these fees which may be required to IBM Corporation Deposit Account No. 09-0447. No extension of time is believed to be necessary. If, however, an extension of time is required, the extension is requested, and I authorize the Commissioner to charge any fees for this extension to IBM Corporation Deposit Account No. 09-0447.

Respectfully submitted,


Cathrine K. Kinslow

Registration No. 51,886

Duke W. Yee

Registration No. 34,285

YEE & ASSOCIATES, P.C.

P.O. Box 802333

Dallas, Texas 75380

(972) 385-8777

ATTORNEYS FOR APPLICANTS

**RECEIVED
CENTRAL FAX CENTER****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE****NOV 16 2004**In re application: **Dutta et al.**Serial No.: **09/838,368**Filed: **April 19, 2001**For: **Automatic Backup of Wireless
Mobile Device Data Onto Gateway
Server While Device is Idle**§
§
§
§
§
§
§
§
§
§Group Art Unit: **2154**Examiner: **Refai, Ramsey**Attorney Docket No.: **AUS920010016US1****Certificate of Transmission Under 37 C.F.R. § 1.8(a)**I hereby certify this correspondence is being transmitted via
facsimile to the Commissioner for Patents, P.O. Box 1450,
Alexandria, VA 22313-1450, facsimile number (703) 872-
9306, on November 16, 2004.By: Carrie Parker

Carrie Parker

RESPONSE TO OFFICE ACTIONCommissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

No fees are believed to be required. If, however, any fees are required, I authorize the Commissioner to charge these fees which may be required to IBM Corporation Deposit Account No. 09-0447. No extension of time is believed to be necessary. If, however, an extension of time is required, the extension is requested, and I authorize the Commissioner to charge any fees for this extension to IBM Corporation Deposit Account No. 09-0447.

In response to the Office Action dated August 16, 2004, please amend the above-identified application as follows:

Revisions to Specification begin on page 2 of this paper.

Listing of Claims begin on page 3 of this paper.

Remarks begin on page 11 of this paper.